

REMARKS

Claims 1-29 are pending. The Final Action dated June 26, 2008 (“Final Action”) in this Application has been carefully considered. The above amendments and the following remarks are presented in a sincere attempt to place this Application in condition for allowance. Claims 1, 2, 3, 8, 10, 14, 16, and 18 - 23 have been amended in this Response. Claims 30 – 37 have been added. Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Claims 14-17, 28, and 29 stand rejected under 35 U.S.C. § 101 as being unpatentable for being directed to non-statutory subject matter. Applicants respectfully assert that rejected independent Claim 14 as now amended recites statutory subject matter, namely “the computer program product comprising computer code embodied on a computer-readable medium, the computer code comprising”. Claims 15–17, 28, and 29 depend from Claim 14 and thus also recite statutory subject matter. Accordingly, Applicant respectfully requests that the 35 U.S.C. § 101 rejections of Claims 14-17, 28, and 29 be withdrawn.

Claims 1, 2, 3, 8 have been amended to correct antecedent basis to the term “correlation module.” These non-narrowing amendments are no more than tangentially related to the patentability of the Claims. No equivalents are intended to be surrendered.

Claim 10 has been amended to correct punctuation. This non-narrowing amendment is no more than tangentially related to the patentability of the Claims. No equivalents are intended to be surrendered.

Claim 16 has been amended to clarify the subject matter claimed. Specifically, Claim 16 has been amended to delete “at least.” This non-narrowing amendment is no more than tangentially related to the patentability of the Claims. No equivalents are intended to be surrendered.

Claim 18 – 23 have been amended to clarify the subject matter claimed. Specifically, Claim 18 has been amended to clarify that the processor includes “*a computer program embodied on a computer readable storage medium.*” (Emphasis Added). Claims 19 – 23 have been amended to clarify the dependency of the claims to independent Claim 18. These non-narrowing amendments are no more than tangentially related to the patentability of the Claims. This non-narrowing amendment is no more than tangentially related to the patentability of the Claims. No equivalents are intended to be surrendered.

Claims 1-21 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 7,089,203 to Crookshanks (“Crookshanks”). In light of the remarks submitted herewith, Applicants respectfully submit that the rejections have been traversed. Accordingly, Applicant respectfully requests that the rejections be withdrawn.

Rejected independent Claim 1, as previously presented, more particularly recites one or more of the distinguishing characteristics of the present invention, namely, “a cross-sectional profiles module.” (Emphasis added.)

Crookshanks was cited as allegedly fully disclosing all the limitations of Claim 1. However, Crookshanks does not suggest, teach, or disclose “a cross-sectional profiles module.” Crookshanks teaches and discloses an optional three dimensional grid system, which allows the Bid System to define three dimensional box definitions *to be linked to* plan sheets to correspond to a particular subcontract category. See Crookshanks, col. 6, lines 32 - 58. Accordingly, Crookshanks does not teach, suggest, or disclose that the grid system provides cross-sectional profiles, but rather the grid provides reference points to define boxes containing subcontract identifiers.

In view of the foregoing, it is apparent that the cited reference does not teach the unique combination now recited in Claim 1. Applicant therefore submits that Claim 1 is clearly and precisely distinguishable over the cited reference in a patentable sense, and is therefore allowable over this reference and the remaining references of record. Accordingly, Applicant respectfully requests that the rejection of Claim 1 under 35 U.S.C. § 102(e) be withdrawn and that Claim 1 be allowed.

Similarly, Claims 2-9 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over Crookshanks. However, Claims 2-9 depend from and further limit Claim 1. Hence, for at least the aforementioned reason that Claim 1 should be deemed to be in condition for allowance, Claims 2-9 should also be deemed to be in condition for allowance. Applicant respectfully requests that the rejections of dependent Claims 2-9 also be withdrawn.

Rejected independent Claim 10, as previously presented, more particularly recites at least one of the distinguishing characteristics of the present invention, namely, “mapping units ... and cross-sectional profiles.” (Emphasis added.) Support for this claim language can be found, among other places, on page 8, lines 5 -15 and page 17, lines 8-15 of the original Application.

Crookshanks was cited as allegedly fully disclosing all the limitations of Claim 10. However, Crookshanks does not suggest, teach, or disclose the step of “mapping units and costs and cross-sectional profiles.” The Examiner cites “units” in the Claim reading on “arbitrary units” of an “orthogonal coordinate system.” Units recited in at least Claim 10 are architectural features, such as windows, gazebos, and staircases, not units of measure. Support for units may be found on at least page 8, lines 9 – 20. Support for the step of mapping units, costs, and cross-sectional profiles may be found, at least, on page 17, lines 8 – 15.

According to the evidence cited by Examiner, Crookshanks teaches and discloses a coordinate system for defining two or three-dimensional boxes or regions. See Crookshanks, col. 6, lines 32 - 58. Furthermore, Crookshanks discloses linking the defined boxed regions overlaid onto architectural drawings to “a finite portion of the scope of work to be bid under the particular trade contract.” See Crookshanks, col. 27, line 62. Crookshanks does not teach, suggest, or disclose that units or cross-sectional profiles are mapped to the drawing, but rather that “each box is identified by a code and hyperlinked icon which includes information of category/subcategory, plan sheet number and a box identifier.”

In view of the foregoing, it is apparent that the cited reference does not teach the unique combination now recited in amended Claim 10. Applicant therefore submits that amended Claim 10 is clearly and precisely distinguishable over the cited reference in a patentable sense, and is therefore allowable over this reference and the remaining references of record. Accordingly, Applicant respectfully requests that the rejection of amended Claim 10 under 35 U.S.C. § 102(e) be withdrawn and that Claim 10 be allowed.

Applicant contends that the rejections of amended Claim 14 and Claim 18 are traversed for at least some of the reasons that the rejection of Claim 10, traversed. These reasons include Crookshaft not disclosing, teaching, or suggesting mapping units and costs and cross-sectional profiles. Applicant therefore respectfully submits that amended Claims 14 and 18 are clearly and precisely distinguishable over the cited reference.

Claims 12, 13, 15-17, 19-29 depend from and further limit a respective one of Claims 10, 14 and 18. Hence, for at least the aforementioned reason that Claims 10, 14 and 18 should be deemed to be in condition for allowance, these dependent Claims should also be deemed to be in condition

for allowance. Applicants respectfully request that the 35 U.S.C. § 102(e) rejections of the dependent Claims 12, 13, 15-17, 19-29 also be withdrawn.

New Claim 30 has been added in this response. No new matter has been added. Claim 30 properly depends and further limits independent Claim 1. Hence, for at least the aforementioned reason that Claim 1 should be deemed to be in condition for allowance, dependent Claim 30 should also be deemed to be in condition for allowance.

Applicant further submits that Claim 30 more particularly recites at least one of the distinguishing characteristics of the present invention, namely: “the correlation module is at least configured to map data from the plurality of data modules based on a *first association*.” Crookshanks does not teach, suggest or disclose mapping data based on associations between units in a units module for the interactive design of custom stonework. Instead, Crookshanks teaches a system of *linking* the defined boxed regions overlaid onto architectural drawings to “a finite portion of the scope of work to be bid under the particular trade contract.” See Crookshanks, col. 27, line 62. This linking maps these boxed regions to the drawings, but does not associate units, parts, or cross-sectional profiles based on the inferred intent of the user. Accordingly, there is no reason or rationale to modify Crookshanks to teach the claimed invention.

New Claims 31-37 have been added in this response. No new matter has been added. Support for these new Claims may be found among other places on pages 8 (lines 9 – 24), 9 (lines 5 – 9, 16 – 24), 11 (8 – 19), 15 (lines 6 – 23), and 24 (lines 14 – 24) of the Application. Applicant submits that these new claims are distinguished from the cited reference Crookshanks in that Crookshanks teaches linking defined boxed regions onto architectural drawings, where the boxed regions are directly related by job or contract. The new Claims, on the other hand, recite that data is mapped by the correlation module based on associations between items in a database. These

associations are indirectly inferred from the apparent intent of the user to take advantage of associations that users make to the items. See page 15 of the Application, for example. Applicant respectfully requests allowance of these new Claims.

Applicant has now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1–37.

Applicant hereby requests continued examination together with an extension of time for making this reply and hereby authorizes the Director to charge the required fees to Deposit Account No. 50-0605 of CARR LLP. Regarding new Claims 30-37, Applicant hereby authorizes the Director to charge the fees required under 37 C.F.R. §1.16(h) and §1.16(i), for one independent Claims in excess of three and eight Claims in excess of 20, to Deposit Account No. 50-0605 of CARR LLP. Applicant does not believe that any other fees are due; however, in the event that any other fees are due, the Director is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of CARR LLP.

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Should the Examiner deem that any further amendment is desirable to place this Application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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